NEGLIGENCE.

Carrier—Injury to Passenger—Contributory Negligence.—O'Donnell v. *Louisville & N. R. Co.*, 42 S. W. Rep. (Ky.) 846. A person who voluntarily sits by an open window on a moving train cannot recover for an injury sustained from flying cinders on the ground that the window was out of repair and could not be closed, if he knew, or by the exercise of ordinary care, could have known that there were seats with protected windows. But the court was also of the opinion that if the complaint in this case had been that the cinders were thrown from the locomotive when, by the use of proper screens they could have been stopped, a different question would have arisen—it not being negligence *per se* for a passenger to sit by an open window.

Negligence of Fellow Servant—Liability of Master—Notice.—E. T., V. and G. R. Co. v. *Wright*, 42 S. W. Rep. (Tenn.) 1065. Knowledge acquired by a conductor, while in charge of a train, of the recklessness and incompetency of his engineer is notice to the company, and is sufficient to fix the liability of the company for an injury done to a fellow servant through the engineer's recklessness and incompentency. It is not necessary that notice be brought home to one having power to discharge the engineer, but is enough if known by the engineer's immediate superior and the representative of the company in charge of the train (*Railroad* v. *Spence*, 23 S. W. 211).

Action for Wrongful Death—Defense—Contributory Negligence of Sole Next of Kin.—Consolidated Traction Co. v. *Hone*, 38 Atl. Rep. (N. J.) 758. In an action brought to recover damages against a traction company for negligently causing the death of plaintiff's infant son the court were equally divided upon the question (decided in plaintiff's favor in the lower courts) whether the traction company could defeat the action if it could show that the death in question was in part the result of the negligent conduct of the sole next of kin—*i.e.*, the plaintiff in this action, although such negligence is not to be imputed to the infant.

STATUTES.

Collision in Detroit River—Canadian Statute—Change of Course.—Union Steamboat Co. v. *Erie Co.*, 82 Fed. Rep. 817. An action was brought by the owners of a vessel for damages from a collision with another vessel occurring on the Canadian side of the Detroit River. It appeared that claimant vessel gave the proper signals and that the defendant vessel, after acting accordingly for a time, finally disregarded them and gave no signals herself. *Held*, following *The North Star*, 22 U. S. App. 242, 10 C. C. A. 262, that in the absence of proof of the statute and that the captains of each vessel acted thereon, the contention that the Canadian statute of navigation should govern was unfounded, and that the proper rules of navigation were those of the Revised Statutes of the U. S. Also, the fact that the plaintiff vessel, whose duty it was to hold her course, temporarily abandoned it to avoid obstructions known to the other vessel, did not violate her duty so as to prevent her recovery.

Statutes—Construction—Railroads—Actions Against Receivers.—Ware v. *Platt*, 48 N. E. Rep. (Mass.) 270. An action was brought for damage resulting from fire caused by the railroad for which the defendants were receivers. The statute applying in this case read as follows: "Every railroad corporation and street railway company shall be responsible in damages to a